

CURTIS, OETTING, HEINZ, GARRETT & SOULE, P. C.
ATTORNEYS AT LAW

130 SOUTH BEMISTON, SUITE 200
ST. LOUIS, MISSOURI 63105
(314) 725-8788

FACSIMILE (314) 725-8789
www.cohgs.com

CARL J. LUMLEY

EMAIL ADDRESS
clumley@cohgs.com

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Secretary of the Commission
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

Re: Case No. AX-2002-159

Dear Secretary of the Commission

Please accept this letter as our Firm's comments on the proposed Rule 2.117 on Summary Disposition.

Regarding subsection (1)(C), we submit that the responding party should be allowed 30 days to respond, just as in circuit court proceedings. The filing party has a substantial advantage, in that they can take as long as they want to prepare their filing and the evidence on which it is based. Ten days is much too short a time for responding parties to go through the logistics of assembling opposing evidence and preparing what can be substantial responsive pleadings. The circuit court rules are well-established and time-tested. The Commission would not be well served by an abbreviated 10-day response time.

Thank you for considering our comments.

Very truly yours,


Carl J. Lumley

cc. Office of Public Counsel
General Counsel